

REMARKS

The Official Action mailed August 7, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on August 25, 2006; October 6, 2006; November 5, 2008; and June 4, 2009.

Regarding the Information Disclosure Statement filed on December 1, 2008 (received by OIPE December 3, 2008), the Official Action notes that "the examiner gave *full* consideration to each document listed in the IDS as evidenced by the examiner's initials next to each citation" (Paper No. 20090805, page 2; emphasis in original). In other words, despite the fact the Examiner crossed through the more accurate citations on the Form PTO-1449, i.e. the citations that show that full English translations of the cited documents have been submitted to the Patent Office, in light of the Examiner's comments included in the Official Action mailed August 7, 2009, reproduced above, it is understood that the Examiner has, in fact, considered the full English translations of the "International Search Report (Application No. PCT/JP2004/018079) dated April 5, 2005" and the "Written Opinion (Application No. PCT/JP2004/018079) dated April 5, 2005." If and to the extent that the Applicant's understanding is incorrect, the Applicant respectfully requests any necessary clarification in a future Official Action.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 50-74 are pending in the present application, of which claims 50, 59, 68 and 71-74 are independent. Claims 56 and 65 have been amended to better recite the features of the present invention. The Applicant notes with appreciation the indication of the allowance of 68-70, 73 and 74. For the reasons set forth in detail below, all

claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 5 of the Official Action rejects claims 56 and 65 under 35 U.S.C. § 112, second paragraph asserting that the claims are "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention" (Paper No. 20090805, page 3). Specifically, the Official Action asserts that it is not clear if a "trifluoro group" is intended to encompass any electron-withdrawing group having three fluorines. In response, the Applicant has amended claims 56 and 65 to recite a trifluoromethyl group. The Applicant respectfully submits that amended claims 56 and 65 particularly point out and distinctly claim the subject matter which applicant regards as the invention and are definite. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

Paragraph 7 of the Official Action rejects claims 50-67, 71 and 72 as obvious based on U.S. Patent No. 7,238,806 to Inoue. Paragraph 8 of the Official Action rejects claims 50-67, 71 and 72 as obvious based on U.S. Publication No. 2005/0191527 to Fujii. In order to overcome these rejections, a verified English translation of priority applications JP 2004-151035 filed May 20, 2004; JP 2004-226382 filed August 3, 2004; and JP 2004-231742, filed August 6, 2004, will be filed as soon as they are complete and received from Japan. Since Inoue has an earliest effective U.S. filing date of December 28, 2004, and Fujii has an earliest effective U.S. filing date of February 23, 2005, which are later than the filing dates of JP-2004-151035, JP-2004-226382 and JP-2004-231742, the Applicant respectfully submits that the rejections under § 103 should be overcome. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are in order and respectfully requested.

Paragraph 10 of the Official Action rejects claims 50-67, 71 and 72 under the doctrine of obviousness-type double patenting over the combination of claims 4-10 of U.S. Patent No. 7,238,806 to Inoue and U.S. Publication No. 2001/0019782 to Igarashi.

In response, a *Terminal Disclaimer* is submitted herewith. Upon filing of this *Terminal Disclaimer*, the claims of the present application are believed to be in condition for allowance. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.


Paragraph 11 of the Official Action provisionally rejects claims 50-57, 59-66, 71 and 72 under the doctrine of obviousness-type double patenting over claims 6-16 of copending Application No. 11/797,532 to Inoue. Paragraph 12 of the Official Action provisionally rejects claims 58 and 67 under the doctrine of obviousness-type double patenting over the combination of claims 6-16 of the '532 application and Igarashi.

In response, the Applicant respectfully requests that the provisional double patenting rejections be held in abeyance until an indication of allowable subject matter is made in the present application. At such time, the Applicant will respond to any remaining double patenting rejections.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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